

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STRIKE 3 HOLDINGS, LLC,

Case No. 23-10866

Plaintiff,
v.

F. Kay Behm
United States District Judge

JOHN DOE subscriber assigned IP
Address 69.14.121.208,

Defendant.

_____ /

ORDER FOR SUPPLEMENTAL BRIEFING

This matter is currently before the court on Plaintiff Strike 3 Holdings, LLC's ("Strike 3") motion for leave to file under seal. (ECF No. 11). In their motion, Strike 3 requests leave to file under seal a version of their first amended complaint, proposed summons, and return of service so they can include Defendant's name, address, and other factual information, while still maintaining his privacy. *Id.*, PageID.101.

Local Rule 5.3 permits a party to file a motion to seal if it is "narrowly tailored to seek sealing in accord with applicable law." E.D. Mich. LR 5.3(b)(2). In order to comply with the local rule, a motion to seal must contain:

(i) an index of documents which are proposed for sealing and, as to each document, whether any other party objects;

- (ii) a description of any non-party or third-party privacy interests that may be affected if the documents or portions thereof to be sealed were publicly disclosed on the court record;
- (iii) whether the proposed sealed material was designated as "confidential" under a protective order and by whom;
- (iv) for each proposed sealed exhibit or document, a detailed analysis, with supporting evidence and legal citations, demonstrating that the request to seal satisfies controlling legal authority;
- (v) a redacted version of the document(s) to be sealed, filed as an exhibit to the motion, unless the proponent of filing is seeking to file the entire document under seal, in which case a blank sheet shall be filed as an exhibit...; and
- (vi) an unredacted version, filed as a sealed exhibit, of the document that is sought to be filed under seal...

E.D. Mich. LR 5.3(b)(3)(A). Additionally, the party seeking to seal documents must show: “(1) a compelling interest in sealing the records; (2) that the interest in sealing outweighs the public’s interest in accessing the records; and (3) that the request is narrowly tailored.” *Kondash v. Kia Motors Am., Inc.*, 767 F. App’x 635, 637 (6th Cir. 2019).

In its current form, Strike 3’s motion fails address why they have a compelling interest in sealing the records, why their interest in sealing outweighs the public’s interest in accessing the records, or how the request is narrowly tailored. *See Kondash*, 757 F. App’x at 637. The motion also does not include any “supporting evidence and legal citations demonstrating that the request...satisfies controlling legal authority.” E.D. Mich. LR 5.3(b)(3)(A). The court previously

granted this motion in error and, likewise, the court's order (ECF No. 12) is

VACATED. Further, the court **ORDERS** Strike 3 to submit supplemental briefing addressing the required factors so the court may fully analyze their motion to seal under the controlling law. Their brief must be submitted by September 25, 2023, and must be limited to ten pages.

SO ORDERED.

Date: September 18, 2023

s/F. Kay Behm

F. Kay Behm

United States District Judge